

## Message Text

UNCLASSIFIED

PAGE 01 KINGST 02558 141609Z  
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10  
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 USIA-15  
HA-05 /079 W  
-----103054 150217Z /64

R 141356Z MAR 78  
FM AMEMBASSY KINGSTON  
TO SECSTATE WASHDC 0206  
INFO AMEMBASSY BRIDGETOWN  
AMEMBASSY GEORGETOWN  
AMEMBASSY NASSAU  
AMEMBASSY PORT OF SPAIN  
USINT HAVANA

UNCLAS KINGSTON 2558

E.O. 1165): N6A  
TAGS: PINT, PINS, SHUM, JM  
SUBJECT: SENATE DEBATE OF "GREEN BAY INCIDENT" BARRED

REF: (A) KINGSTON 2284; (B) KINGSTON 0828

1. THE PRESIDENT OF THE JAMAICAN SENATE, CHARLES SINCLAIR, HAS RULED THAT DEBATE OF THE MOTION BROUGHT BY SENATOR WINSTON SPAULDING CALLING FOR A COMMISSION OF INQUIRY TO INVESTIGATE THE "GREEN BAY INCIDENT" (SEE REF B) IS BARRED. SINCLAIR SAID THAT THE REFERENCE OF THE MATTER TO THE CORONER (SEE REF A) RENDERS IT "SUB JUDICE" AND THUS DEBATE IS FORECLOSED.

2. COMMENT: JAMAICAN LAW, WHICH IS DRAWN FROM THAT OF GREAT BRITAIN, HOLDS THAT A MATTER BEFORE PARLIAMENT IS SUBJECT TO THE "SUB JUDICE" RULE WHEN IT IS SCHEDULED FOR TRIAL OR ACTUALLY BROUGHT BEFORE A COURT FOR DETERMINATION. MOST IMPORTANTLY, THE SPEAKER OF THE HOUSE (OR, IN THIS CASE, THE PRESIDENT OF THE SENATE) HAS THE DISCRETION TO  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KINGST 02558 141609Z

DECIDE WHEN A MATTER HAS, IN FACT, BEEN SCHEDULED FOR TRIAL OR OTHERWISE BROUGHT BEFORE A COURT. IN THIS INSTANCE, SINCLAIR, EXERCISING HIS DISCRETION, FOUND THAT "SUB JUDICE" RULE APPLIES TO THE CORONER'S COURT AS IT DOES TO OTHER COURTS, AND SINCE IT HAS BEEN TAKEN UNDER JURISDICTION BY THE CORONER'S COURT, THE "SUB JUDICE" RULE COMES INTO EFFECT. COMMENTATORS NOTE THAT UNDER BRITISH PRACTICE,

THE SPEAKER'S (AND, IN THIS CASE, THE PRESIDENT'S)  
DISCRETIONARY POWER CREATES THE ANOMALOUS SITUATION IN  
WHICH THE LEGISLATURE CAN BE BARRED FROM DEBATING A MATTER  
WHICH MAY NEVERTHELESS BE THE SUBJECT OF COMMENT IN THE  
PRESS AND BY THE PUBLIC.  
IRVING

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DEBATES, UPPER HOUSE, CIVIL DISORDERS, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978KINGST02558  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780114-0400  
**Format:** TEL  
**From:** KINGSTON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780372/aaaaciuu.tel  
**Line Count:** 68  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** b6edf5c7-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION ARA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 KINGSTON 2284, 78 KINGSTON 828  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 15 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3343143  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SENATE DEBATE OF "GREEN BAY INCIDENT" BARRED  
**TAGS:** PINT, PINS, SHUM, PGOV, JM  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odhc://SAS/SAS.dbo.SAS\_Docs/b6edf5c7-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014